

# **EXHIBIT 4**

## **Supplemental Declaration of Meredith “Merry” McCarron**

**UNSEALED DOCUMENT (ECF NO. 187-3)**

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

*In re Google Generative AI Copyright Litigation*

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Master File Case No. 5:23-cv-03440-EKL-SVK  
Consolidated Case No. 5:24-cv-02531-EKL-SVK

**SUPPLEMENTAL DECLARATION OF  
MEREDITH "MERRY" McCARRON IN  
SUPPORT OF PLAINTIFFS' REPLY IN  
SUPPORT OF MOTION TO AMEND CASE  
SCHEDULE**

1 I, Meredith “Merry” McCarron, hereby declare under penalty of perjury as follows:

2 1. I previously submitted a declaration in support of Plaintiffs’ Motion to Amend Case  
3 Schedule, dated July 11, 2025 (ECF No. 174-1), which discusses my expert qualifications.

4 2. As stated in my previous declaration, my extensive professional experience in this domain,  
5 especially my regular engagement with cloud computing platforms, has positioned me well to recognize  
6 that Google has failed to provision Plaintiffs with sufficient computing resources in a timely fashion, and  
7 continues to do so.

8 3. In my experience, the data management environments in litigation are typically overseen by  
9 neutral third parties. Having the defense control access and functionality is highly irregular and introduces  
10 delays, as they are neither incentivized nor equipped to provide the level of customer support necessary for  
11 efficient problem resolution.

12 **A. Continuing Issues**

13 4. The environment provided by Google continues to have deficiencies. At least one member  
14 of my team and I have been locked out of accessing the training data due to bugs with the remote  
15 environment that were only addressed by resetting the environment, causing loss of data and hours of  
16 valuable time.

17 5. Additionally, the BigQuery database remains functionally inaccessible, as I have only been  
18 granted partial permissions. This issue has been raised repeatedly with Google, with no resolution.

19 6. The deficiencies have been significant enough to prevent me and my team from effectively  
20 using our working environment.

21 7. As stated in my previous declaration, Google’s environment also periodically reboots.  
22 Google states that processes lasting over 16 hours are not supported by their provisioned environment. In  
23 order to process terabytes of data, it is common for even a simple process to have to run all day and even  
24 overnight.

25 8. Due to the environment rebooting, as my team and I have been working, our code has been  
26 breaking in the middle of the night, causing us to lose important data processing time because the code  
27 must be restarted the next morning. This effectively leads to days of delay in our ability to complete our  
28 work.

1           9.       The basic functionality of the programs that are installed in the Google environment  
2 continues to be poor. Basic functionality that was missing previously has not been rectified. For example,  
3 the “multiprocessing” library, often used by data scientists to perform distributed computing, that was  
4 inaccessible continues to yield a “permission denied” error.

5 **B.     Newly Emerging Issues**

6           10.      Initially, the remote environment was provisioned with just 16 GB of RAM, which was  
7 woefully insufficient for analyzing the kind of large data files that are in Google’s training data—for  
8 example, just one file in the Imagen training data is 17 GB. It was not until July 15th that the RAM was  
9 upgraded to 88 GB, and not until July 24th that the RAM was upgraded to 176 GB, allowing my team and  
10 I to work simultaneously.

11          11.      Google has not been timely in its response to our technical issues. We have waited over a  
12 week for promised upgrades and Google has not yet met with us to discuss several of the technical issues  
13 raised in my previous declaration, most notably the lack of access to BigQuery, but also including errors in  
14 the mounting of the raw data training files.

15          12.      The file location of the raw data files is continuously changing and is not consistent even  
16 across users. This breaks the custom code that we have written, which relies on the filepaths being static as  
17 expected in a stable system.

18 **C.     Insufficient Metadata Issues**

19          13.      I understand that Google has stated to the court that metadata, notably containing reference  
20 URLs, was included in the training data made available to Plaintiffs. This is untrue. It is possible that such  
21 metadata is available in the BigQuery environment that Plaintiffs do not have access to, but I am unable to  
22 validate that.

23          14.      To the extent that metadata is available, it is only available for one type of image training  
24 data—LAION—and is identical to metadata already freely available online, not metadata maintained and  
25 provided by Google themselves.

26          15.      To the extent that URLs are available in the data, it is exclusively in the form of arbitrarily  
27 included lines in otherwise undifferentiated “walls” of text, within files that are concatenations of hundreds  
28 or thousands of works.

1 **D. Time Needed To Complete Analysis and Author Expert Reports**

2 16. Assuming the issues above are resolved, and based upon my experience, I estimate it will  
3 take at least three months for my team to (1) complete review of the priority datasets, (2) analyze the  
4 datasets for the presence of named plaintiffs' works, (3) analyze the metadata and URL data contained with  
5 the priority datasets (to divine the origin of the data), (4) conduct a comparative analysis of the named  
6 plaintiffs' works found in the training data with a reference dataset (to provide a framework for identifying  
7 class works), and (5) author expert reports.

8 \*\*\*\*\*

9 I declare under penalty of perjury under the laws of the United States of America that the foregoing  
10 is true and correct. Executed this 25th day of July, 2025, at Philadelphia, Pennsylvania.

11 /s/ Merry McCarron  
12 Meredith "Merry" McCarron  
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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of July, 2025, at Oakland, California.

/s/ Lesley E. Weaver

Lesley E. Weaver